

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TURKON KONTEYNER TASIMACILIK
VE DENIZCILIK A.S.,

Plaintiff,

-against-

NEW YORK CONTAINER TERMINAL,
INC.,

Defendant.

Case No. 07 CIV 7139 (Lynch)

ANSWER TO DEFENDANT'S
COUNTERCLAIMS

PLEASE TAKE NOTICE that Plaintiff, TURKON KONTEYNER TASIMACILIK VE DENIZCILIK A.S. ("TURKON"), by its attorneys, MAHONEY & KEANE LLP., hereby answers Defendant NEW YORK CONTAINER TERMINAL, INC.'s Counterclaim as follows:

AS AND FOR AN ANSWER TO DEFENDANT'S FIRST COUNTERCLAIM

1. Plaintiff denies each and every allegation contained in paragraph "21" of Defendant's Answer (First Counterclaim).

AS AND FOR AN ANSWER TO DEFENDANT'S SECOND COUNTERCLAIM

2. Plaintiff denies each and every allegation contained in paragraph "22" of Defendant's Answer (Second Counterclaim).

AS AND FOR AN ANSWER TO DEFENDANT'S THIRD COUNTERCLAIM

3. Plaintiff denies each and every allegation contained in paragraph "23" of Defendant's Answer (Third Counterclaim).

AS AND FOR AN ANSWER TO DEFENDANT'S FOURTH COUNTERCLAIM

4. Plaintiff denies each and every allegation contained in paragraph "24" of Defendant's Answer (Fourth Counterclaim).

AS AND FOR A FIRST SEPARATE AND COMPLETE AFFIRMATIVE DEFENSE

5. Defendant's Counterclaim fails to state a claim against Plaintiff on which relief can be granted.

AS AND FOR A SECOND SEPARATE AND COMPLETE AFFIRMATIVE DEFENSE

6. Plaintiff is not liable to Defendant on the causes of action alleged in the Counterclaim.

AS AND FOR A THIRD SEPARATE AND COMPLETE AFFIRMATIVE DEFENSE

7. Defendant's claim is barred by the statute of limitations and/or the Doctrine of Laches.

AS AND FOR AN FOURTH SEPARATE AND COMPLETE AFFIRMATIVE DEFENSE

8. Any damages sustained by Defendant, as alleged in the Counterclaim, were proximately, directly, and solely caused by the negligent and/or other tortious acts of third persons over whom Plaintiff had and has no direction or control.

AS AND FOR A FIFTH SEPARATE AND COMPLETE AFFIRMATIVE DEFENSE

9. Defendant knowingly and intentionally assumed any and all risks inherent in the loading and/or transfer of the cargo from Defendant's vessel onto Plaintiff's barge.

AS AND FOR A SIXTH SEPARATE AND COMPLETE AFFIRMATIVE DEFENSE

10. Any injuries and/or casualties that may have been sustained by Defendant, as alleged in its Counterclaim, occurred as a direct result of Defendant's own negligent or otherwise tortious conduct and/or the unseaworthiness of Defendant's vessel, and not by any

negligence or otherwise tortious conduct on the part of Plaintiff and, as such, Defendant is barred from recovery in this action.

AS AND FOR A SEVENTH SEPARATE AND COMPLETE AFFIRMATIVE DEFENSE

11. Defendant is guilty of culpable conduct in the events giving rise to the claims now asserted in Defendant's Counterclaim, and its recovery, if any, must be diminished in proportion thereto.

AS AND FOR A EIGHTH SEPARATE AND COMPLETE AFFIRMATIVE DEFENSE

12. Defendant herein has failed to mitigate its damages.

AS AND FOR A NINTH SEPARATE AND COMPLETE AFFIRMATIVE DEFENSE

13. Defendant's injuries and/or casualties were caused by Defendant's failure to comply with the terms of the agreement(s) between the parties.

AS AND FOR A TENTH SEPARATE AND COMPLETE AFFIRMATIVE DEFENSE

14. This Answer to Defendant's Counterclaim are made without waiver of any jurisdictional defenses or rights to arbitrate that may exist between the parties.

WHEREFORE, Plaintiff TURKON prays:

(A) That judgment be entered in favor of Plaintiff TURKON, together with costs, disbursements, fees, etc, and that Defendant's Counterclaim be dismissed; and

(B) For any such other and further relief as this Court deems just and proper.

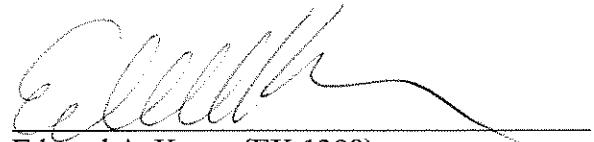
Dated: New York, NY

November 6, 2007

Respectfully submitted,

MAHONEY & KEANE LLP.,
Attorneys for Plaintiff TURKON KONTEYNER
TASIMACILIK VE DENIZCILIK A.S.

By:



Edward A. Keane (EK 1398)
111 Broadway, Tenth Floor
New York, NY 10006
Tel (212) 385-1422
Fax (212) 385-1605
File No. 17/3429

SERVICE LIST

GERAGHTY LAW FIRM
Attorneys for Defendant, NEW YORK
CONTAINER TERMINAL, INC.
259 Union Street
Hackensack, NJ 07601
Tel (201) 441-9502
Fax (201) 441-9605
Attn: John R. Geraghty, Esq.